## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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THOMAS WRAY HERNDON,

Case No. 3:22-CV-00271-ART-CLB

Plaintiff,

**ORDER RE: SERVICE OF PROCESS** 

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THE STATE OF NEVADA ex rel NDOC, et al.,

Defendants.

Before the Court is Plaintiff Thomas Wray Herndon's motion requesting issuance and service of summons. (ECF No. 21.) The Office of the Attorney General did not accept service of process on behalf of **Carter L. Potter** who is no longer an employee of the Nevada Department of Corrections. (ECF No. 11.) However, the Attorney General has filed the last known address of this Defendant under seal. (ECF No. 12.)

Fed. R. Civ. P. 4(m) provides that if a defendant is not served within 90 days after the complaint is filed, the court must dismiss the action without prejudice or order that service be made within a specific time. The complaint in this case was filed December 9, 2022, (ECF No. 10), thus service should have been completed by March 9, 2023. However, given Plaintiff's *pro se* status, the Court will give Plaintiff 60 additional days to complete service.

Accordingly, Plaintiff's motion, (ECF No. 21), is **GRANTED**. The Clerk shall **ISSUE** a summons for the above-named Defendant and send the same to the U.S. Marshal with the address provided under seal. (ECF No. 12.) The Clerk shall also **SEND** sufficient copies of the complaint, (ECF No. 4), the screening order, (ECF No. 3), and this order to the U.S. Marshal for service on the Defendant. The Court will separately provide to the U.S. Marshal a completed USM 285 form for the Defendant.

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Plaintiff is reminded that if the above-named Defendant is not served by Friday, June 2, 2023, he will be dismissed for failure to complete service of process pursuant to Fed. R. Civ. P. 4(m). IT IS SO ORDERED. DATED: April 3, 2023 UNITED STATES MAGISTRATE JUDGE